

### REMARKS

The Office Action has been received and reviewed. In light of the above amendments and following remarks, Applicant submits that the application is in condition for allowance, for which early action is requested.

Claims 1-2, 7, 9-15, 17-21, and 24-25 are currently pending in the application. Claims 8 and 16 are canceled.

Claims 1-2, 7-21, and 24-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Bamburak (U.S. Patent Pub. No. 2005/0113089).

The present claims now recite “wherein the historical statistical information includes a signal acquisition identifier, a power measurement, a system access identifier, and a system lost identifier.” (Claims 1, 15, and 21) This historical statistical information is stored as the system priority data shown in Figure 4. [0032]

The Examiner contends Bamburak meets the historical statistical information including system acquisition failures and system access failures at [0034]-[0039] and Figures 3, 7-10. However, Bamburak does not actually disclose tracking system acquisition failures or system access failures. Rather, Bamburak simply discloses a table maintaining a counter for each frequency in the master search schedule. (Figure 9; [0035]) Hence, Bamburak fails to meet the system acquisition identifier and system access identifier recited in the present claims. Moreover, Bamburak fails to disclose an analogous system lost identifier as required in the claims.

Further, a key feature of the present invention is the priority data summary table, as shown in Figure 5. The priority data summary table is generated from the system priority data and includes calculated priority criteria for re-prioritizing the predetermined selection order provided by the PRL.

The Examiner contends Bamburak meets the priority summary data table through some unexplained combination of Figures 6-10. However, none of the tables shown in Bamburak's Figures 6-10 show an acquisition success rate, last power measurement, access success rate, or system lost rate as in the present invention's priority summary data table shown in Figure 5. Applicant's believe it is clear that Bamburak simply does not disclose a single table which could

reasonably be considered as analogous to the priority summary data table recited in the present claims.

Accordingly, for at least these reasons, Bamburak fails to anticipate the present invention and the rejected claims should now be allowed.

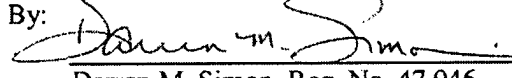
### CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is now in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 10/13/2008

By:   
Darren M. Simon, Reg. No. 47,946  
(858) 845-2472

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502